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*Attorney for Defendants Neil Skougard,
Arnold Van Dugteren, FNU Arrowsmith
and Ogden City*

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH – CENTRAL DIVISION

KEVIN IRONS,

Plaintiff,

vs.

NEIL SKOUGARD, ARNOLD VAN
DUGTEREN, FNU ARROWSMITH, and
CITY OF OGDEN

Defendants.

**DEFENDANTS' MOTION TO CONTINUE
TRIAL DATES**

Case No. 1:14cv00104

Judge: Furse

COME NOW Defendants **NEIL SKOUGARD, ARNOLD VAN DUGTEREN, FNU ARROWSMITH, and OGDEN CITY** (“Defendants”), by and through their undersigned attorney Stephen F. Noel of SMITH KNOWLES, P.C., and respectfully move this Court for a continuance of the trial currently set for October 26-31, 2016.

I.

RELIEF SOUGHT

City seeks to continue the currently scheduled trial, inasmuch as it conflicts with another trial set for the same dates involving the undersigned counsel.

II.

STATEMENT OF FACTS

1. The trial in this matter (the “Federal Case”) currently is set for October 26-31, 2016.
2. The undersigned counsel represents two entities in another matter, titled *Schoonover and Peterson v. Benedica, Lewcon, McCullough, Aquatic, Aquatic Holdings and Sterling*; Civ. No. 130400594, Fourth Dist. Crt. Utah. (the “State Case”)
3. A ten day jury trial has been set in the Schoonover Case for October 12, 13, 14, 17, 19, 20, 24, 26 and 27, 2016.
4. Given the number of parties and attorneys, expert witnesses, etc., it was very difficult to schedule the trial in the Schoonover Case. Accordingly, moving it will prove to be very difficult.

III.

ARGUMENT

The Federal Case, while not less important, effectively only involves two parties and two attorneys. It is also fewer days than the State Case. With several months before trial in the Federal Case, it is likely the parties and Court may have better success in moving it. No one will be prejudiced, except for the delay, unless the Court is able to move it to an earlier date, which the undersigned does not oppose, subject to the parties' availability.

The Defendants respectfully request that the trial in this matter be continued to another date in order to avoid a conflict with Defense Counsel's trial schedule.

DATED this 17th day of March, 2016.

SMITH KNOWLES, P.C.

/s/ Stephen F. Noel
Stephen F. Noel
Attorney for Defendants

CERTIFICATE OF SERVICE

I hereby certify that on this 17th day of March, 2016, I filed the foregoing pleading electronically through the CM/ECF system. I certify that on such date I served the foregoing pleading on the following parties by electronic means through the CM/ECF system:

Tyler B. Ayres
AYRES LAW FIRM
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Draper, UT 84020

/s/ Tracy Hunsaker
Shannon Hoopes
Legal Assistant